



**Governor's Commission
on the
Humane Treatment of Animals**

Review of Activities

September 2021- May 2023

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Introduction

The Governor's Commission on the Humane Treatment of Animals (the "Commission") was reestablished with Executive Order 2021-07. From that EO, the Commission is required to produce a biennial report documenting statistics on animal cruelty cases, a review of legislation touching on the issues of animal welfare and animal cruelty, and suggested legislation regarding the welfare of domestic animals. This document is presented under separate cover.

This report summarizes the activities of the Commission from 2021 to the present. The following summary is an overview of the activities of the Commission during this time and seeks input from the Governor's Office.

Membership Updates

Since the fall of 2021, the Commission has had several new members: Tyson Morrill representing NH sportsmen interests; Mary Davis, NH Cooperative Extension; Tona McCarthy, Humane Cruelty Investigator. Chief Dean Rondeau has recently retired and we are awaiting a replacement for his position on the Commission representing the NH Police Chiefs Association.

Attendance and Participation Challenges

Attendance at meetings is a challenge. The Commission has been able to secure meeting locations, but the space is sometime unavailable as other groups have priority. Despite the Commission setting the time of meetings based on an availability poll, many members chronically miss meetings, often with no notice. While the Commission meetings require a quorum of 8 members in attendance, meetings with such a limited number of members fails to provide a good representation of the views of our membership organizations. The Commission dropped the subcommittee structure, allowing five subcommittees discuss various topics relevant to the Commission to present at full board meetings, because the same few members carried the bulk of subcommittee work. Commission members have suggested various solutions, including quarterly meetings that are very structured and include more public input with responsibilities spread among all members. We are also following recent legislation which would allow remote participation.

Legislative Efforts

The Commission has taken an active role in discussing, monitoring and, with the Governor's approval, either supporting or opposing legislation that impacts domestic animals in the State of New Hampshire. When the Commission itself does not take a position with regard to a particular law, because of discussions members are better educated on pending legislation and are free to be involved in the legislative process as a representative of their various organization and/or as an individual.

In 2022, the Commission worked to introduce HB 1433 which was intended to address the ambiguity that exists in RSA 466:42-a, II and RSA 644:16, which both address the poisoning of animals - one of which pertains only to dogs. The Commission worked with a legislator, who had previously sponsored HB 338 regarding dog poisoning issues, to introduce HB 1433. HB 1433 did not pass and the concept remains on the list of future bills that the Commission intends to pursue.

Also in 2022, the Commission heard testimony from the public about the law pertaining to post-divorce proceedings and its limitation on court orders regarding the custody of animals. The Commission advised and supported a private citizen which resulted in the passage of HB 1103. A court may now review and modify a property order as it pertains to an “animal” personal property.

Animal Control Officer (ACO) Issues and Legislation

From 2021 into early 2023, the Commission continued research and discussions about the role of ACOs in NH, specifically addressing ACOs role in animal cruelty reporting and investigation. The Commission did a thorough review of current statutes related to the many roles of ACOs, which further revealed the lack of definitions and conflicts within the statutes. The Commission explored what changes, if any, would be beneficial to increase the role of ACOs in general and specifically improving the reporting of incidents and participating in investigations of animal cruelty. The Commission regularly engaged with the NH ACO Association. Many different remedies and solutions were discussed. HB 431, addressing the County Sheriff’s Office playing a role in animal cruelty cases, was introduced in 2023 without specific approval or support of the Commission. HB 431 was ultimately laid on the table. This legislation revealed the complexity of a legislative response to the challenges of having knowledgeable law enforcement or trained and authorized ACOs available to professionally respond to animal cruelty cases.

Education

Prosecutor Education

During the Fall of 2022, the Commission worked with David Rotman, Esq., Senior. Assistant Attorney, to present a prosecutor training workshop on animal cruelty. Presenters included Anthony Estee, Esq., municipal prosecutor in animal cruelty cases; Patricia Morris, Esq., UNH adjunct faculty member teaching Animal Law; and Jerilee Zezula, D.V.M.

The training was offered in two sessions in January 2023. The first session focused on the relevant statutes and charges. It covered legal issues surrounding the investigation stage of an animal cruelty case and best practices in evidence gathering, including custody of animal issues, warrants, seizure issues, law enforcement protocol, and veterinary expert involvement. The second session focused on the actual trial issues, including best practices for drafting charges, addressing common defenses and motions, sentencing considerations, cost of care and financial considerations, and appeal issues.

Animal Cruelty Resources Website for Law Enforcement

For many years the Animal Cruelty Law Enforcement Resources website developed by the Commission was housed on a private server with the web address linked to the Animal Cruelty Manual. In 2021, NH Police Standards and Training Council acquired a new training web server and the Commission worked to transfer the updated Animal Cruelty Resources to the In-Service Training Moodle. All NH Certified Law Enforcement officers have access to this site. This site is very comprehensive and contains statute updates, a directory of financial assistance/grants, veterinary forensics labs, and organizations/individuals that assist in cruelty investigations, background and instructional information on proper care of animals and conducting investigations. At the present time, animal control officers and prosecutors cannot access this site, but the Commission is working NHPTC staff to try to find a way to do that.

In addition, many animal cruelty resources specific to veterinarians were added to the NH Veterinary Medical Association website.

Finally, several prosecution and judicial resources were added to the Governor's Commission website. (humane.nh.gov)

Gathering Data

Cost of Care Fund

The Cost of Care administered by NHDAMF fund began accepting applications in June, 2021 for cases retroactive to July 1, 2019. It was originally created as part of HB 4 in 2019. The impetus for this law and process came about as a direct result of a Governor's Commission report: Cost Analysis of Animal Cruelty in New Hampshire, 2008. The Department of Agriculture, Markets and Food adopted rules establishing the process for reimbursement on June 1, 2021. Commissioner Jasper sent an email to town clerks and the law enforcement community announcing its availability, explaining the process, and included an application. The Commission also put this information on the Law Enforcement Resources Website.

The Commission is working with the Department of Agriculture, Markets and Food to gather information and discuss whether this fund is successful in encouraging law enforcement agencies to charge and follow through with cruelty cases.

Law Enforcement Survey

In the fall of 2021, the Commission reached out to the New Hampshire Department of Justice ("DOJ") to explore the possibility of having a dedicated attorney position to offer expertise on the prosecution of animal cruelty cases. In the process of such discussion, the DOJ suggested that we could work with the NH State Police to determine how animal cruelty was being recorded within the National Incident-Based Reporting System ("NIBRS") and how cruelty cases were received and recorded in New Hampshire. The DOJ was considering a community resource attorney position, which the Commission is interested in learning more about.

In addition, the Commission was put in contact with Major John Marasco, NH State Police Major Crimes, and we worked with Major Marasco to create a survey on animal cruelty for Law Enforcement. It was sent through a Law Enforcement email network in January 2022. Questions included average number of cases seen per year, types of cruelty investigated, arrests made, disposition of charges, steps taken in investigations, personal perception of animal cruelty prevalence, obstacles and challenges, and additional resources needed to address animal cruelty.

Although there was a large distribution of the survey availability, only 56 responses were obtained. Those who completed the survey were very forthcoming and several themes became evident, although because of the small sample size, the validity of the responses were questionable. In addition, many of the respondents were animal control officers who are civilian employees...not law enforcement. (The survey link was given to them by their supervisors.)

Noted responses were:

Prevalence of Animal Cruelty

- 73% only occasionally or rarely were involved with animal cruelty. It is basically an uncommon occurrence for law enforcement.

Obstacle or investigative challenges

- 40% mentioned need of resources – experts, facilities to hold animals and cost of animal care (Note that they did not know about the Cost of Care legislation!)
- 29% had issues with the laws

Additional resources needed

- 44% suggested regional investigators, experts, task force, more qualified ACO's
- 19% suggested financial support and access to animal care facilities. (Again, no knowledge of Cost of Care legislation)

While the noted responses above were most prevalent, it became clear that animal cruelty is not a high volume crime and law enforcement officers do not handle reports of animal cruelty enough to become proficient in investigations. Many law enforcement officers are not aware of the resources available and look for help with cases. Humane investigators are very helpful primarily for the handling and housing of animals, although rural parts of the state have limited animal housing resources. Cost of care is still a limiting factor to prosecuting animal cruelty cases.

Public Survey Concerning Domestic Animal Welfare

During one of our first fall meetings of 2022, the Commission discussed launching an expanded survey to the organizations represented on the Commission and the general public on knowledge and importance of animal cruelty. A survey was developed and tested. The survey was distributed to various groups and the public from May 1, 2023 to May 31, 2023. The Commission plans to begin reviewing the result at the June meeting and continue into the fall and determine the best way to utilize these results, including publication on the Commission website.

Future Goals/Actions

The Commission has many goals for the future and looks forward to working with the Governor to effectuate these goals.

1. Legislation: In the 2021 Report to the Governor, the Commission identified several legislative initiatives. The Governor indicated that he would support the following 3 initiatives:

- Including veterinary immunity for NH RSA 644:8-a (Animal Fighting) and NH RSA 644:8-g (Bestiality).
- Clarification and/or merging NH RSA 644:8 and NH RSA 435 as they pertain to horses (Same penalties for cruelty offenses).
- Adding starvation to the list of felony offenses in NH RSA 644:8, III-a.

The Commission will discuss these legislative initiatives along with any others and hopes to move forward with legislation next year. The Commission has

determined that the veterinary immunity legislation might best be handled through the NH Veterinary Medical Association.

- 2. Education:** The Commission has identified the need for education of law enforcement, including animal control officers, police officers and prosecutors, on animal cruelty laws and investigation and the resources available to both investigate and prosecute animal cruelty cases. The Commission will explore ways to effectuate this educational goal.
- 3. ACO Issues:** The Commission has identified the major issues faced by municipalities regarding animal-related statutes and situations involving animal cruelty. There is no standardization of titles, duties or responsibilities in state statutes involving the handling of animal issues. The Commission would like to work with the Animal Control Officers Association of New Hampshire, the NH Municipal Association and interested legislators on legislation to address definitions, required training and responsibilities of ACOs and/or other municipal or county employees to enforce current statutes.
- 4. Data:** The Commission will analyze the public survey and harvest any trends or issues. This information will be made available on the Commission website and may be utilized as a form of public education.
- 5. Attendance:** The Commission would like to take the following steps to address attendance:
 - Suggest that the Executive order be changed to allow for a minimum of 4 meetings (rather than 8) to allow for flexibility depending on the legislative actions at particular times of the year.
 - Locate equipment and or funds to provide remote access to meetings for those who could not travel;
 - Secure funds to allow for misc. expenses to encourage participation at meetings – for example stipend for travel and/or beverage/food during meetings.